



State of South Carolina Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

February 24, 2010

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3624, R-130.

I am compelled to veto this bill because of this administration's long-stated concerns about the constitutionality of such bills. We hold additional concerns about the wisdom of increasing the amount of state revenue going toward state administrative expenses in this budget climate, but veto simply based on the issue of constitutionality.

The purpose of this legislation is to allow members of the Dorchester County Transportation Committee to receive \$75 from Dorchester County's "C" fund revenues for each meeting Committee members attend. Currently, S.C. Code § 12-28-2740 forbids County Transportation Committee members from receiving a per diem or salary from the counties' "C" funds. Despite this statewide prohibition several counties, including Dorchester, have obtained a legislative carve-out allowing the use of "C" funds for transportation committee administrative expenses instead of using the funds for local transportation projects.

Article VIII, Section 7, of the Constitution of the State of South Carolina provides that "[n]o laws for a specific county shall be enacted." Furthermore, the Supreme Court has struck down laws similar to H. 3624, R-130 because the laws violated the constitutional prohibition on local legislation. Nonetheless, the General Assembly has passed legislation just like H. 3624, R-130 giving several other counties, including Marlboro, Darlington, and Dillon the spending flexibility the General Assembly denies to other counties in the state. While we don't begrudge members of the legislative delegation working to get for their transportation committee that which has been afforded to other counties, this still, unfortunately, does not change the constitutional issue at hand.

For the reasons stated above, I am hereby vetoing and returning without my approval H. 3624, R-130.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Sanford".

Mark Sanford